

EXHIBIT 2

Patti Nemeth, M.D.

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

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IN RE DEPAKOTE: :
RHEALYN ALEXANDER, :
et al., : No.
Plaintiffs, : 12-52-NJR-SCW
vs. :
ABBOTT LABORATORIES, :
INC., :
Defendant. :

- - -

DEPOSITION UNDER ORAL EXAMINATION OF
PATTI NEMETH, M.D.

9:00 a.m.

Rio Rancho, New Mexico

- - -

REPORTED BY: DANA SREBRENICK, CRR, CLR

- - -

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1 Q. Dr. Nemeth, you prescribed Depakote for
2 Ms. Sansone during the remainder of her first
3 pregnancy and also throughout her second pregnancy
4 with [REDACTED] A.S., the child that's the subject
5 of this lawsuit, because in your professional
6 medical judgment, you thought it was the very best
7 medication for her at the time based on her
8 individualized medical history and experience?

9 MR. BROSS: Object to form.

10 BY MR. KLATT:

11 Q. To your knowledge, correct?

12 A. Yes. Yes, that's true and the reason was
13 that I didn't have any other choices at the time
14 other than Lamictal, which was a class C, and she
15 didn't tolerate that.

16 Q. Well, that -- you anticipated my next
17 question. Subsequently, she was tried on other
18 newer epileptic drugs that didn't have the safety
19 or efficacy track record that Depakote had,
20 correct?

21 A. It had better -- some with better safety,
22 that would be class C, is that what you mean?

23 Q. Well, I guess -- let me rephrase my
24 question.

25 You knew as of 2003 that Ms. Sansone had,

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1 you in 2006 that she got very dizzy and spacey
2 from Keppra, correct?

3 A. Yes, she said very dizzy and spacey.

4 MR. BROSS: Can you clarify the year?

5 MR. KLATT: That was 2006.

6 MR. OTT: That's 10/6/2006.

7 BY MR. KLATT:

8 Q. Then as a matter of fact, on the very
9 next page of Exhibit 4, page 39.

10 A. Yes.

11 Q. You received a call from her in November
12 2006, which was over a month after she indicated
13 that Keppra was making her dizzy and spacey, and
14 she reported that Keppra was making her psychotic,
15 irrational and angry; is that correct?

16 A. That's right.

17 Q. And that indicated to you that she could
18 not tolerate Keppra?

19 A. That's right.

20 Q. And so you used Depakote for Ms. Sansone
21 in 2003 and 2004 and 2005 because you thought in
22 your professional judgment it was the best choice
23 for her, considering her entire medical history,
24 her types of seizures and the other medications
25 that she had been tried on or that were available;

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1 is that right?

2 A. That's right.

3 MR. BROSS: Object, form.

4 BY MR. KLATT:

5 Q. And so as of 2004, you believed that
6 Depakote was essential and necessary to treat her
7 condition; is that right?

8 A. Yes.

9 Q. Would you agree with me that some of
10 these newer medications like Lamictal and Topamax
11 and Keppra, because they were newer, simply had
12 not yet had the track record in terms of safety
13 that some of the older drugs like Depakote and
14 Dilantin and Tegretol had, particularly with
15 reference to birth defects?

16 MR. BROSS: Object to form.

17 A. It's hard to answer directly. I had to
18 go by the class -- the FDA class that was
19 established, and Keppra and Lamictal were class C.
20 Topiramate was D, I believe. And I only added
21 that on to Depakote because of the side effects of
22 weight gain after she was pregnant -- finished --
23 completed her first pregnancy.

24 Q. And that Topamax was the one that she was
25 unable to continue because of its effects on her

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CERTIFICATION

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4 I, DANA N. SREBRENICK, a Certified Court
5 Reporter for and within the State of New Mexico,
6 do hereby certify:

7 That the witness whose testimony as herein
8 set forth, was duly sworn by me; and that the
9 within transcript is a true record of the
10 testimony given by said witness.

11 I further certify that I am not related to
12 any of the parties to this action by blood or
13 marriage, and that I am in no way interested in
14 the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this 5th day of October 5, 2016.

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19 DANA N. SREBRENICK, CLR, CRR

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